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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

DENNIS RAY COLE,

Defendant and Appellant.

F044432

(Super. Ct. No. F03905931)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Brant Bramer, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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* Before Vartabedian, Acting P.J., Wiseman, J., and Dawson, J.

Pursuant to a plea agreement, appellant Dennis Cole pled no contest to assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)) and admitted an enhancement allegation that in committing that offense he personally inflicted great bodily injury on the victim (Pen. Code, § 12022.7, subd. (a)). The court imposed a prison term of seven years, consisting of the four-year upper term on the substantive offense and three years on the accompanying enhancement.

Appellant's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) After the brief was filed, we invited the parties to submit briefing raising issues presented by *Blakely v. Washington* (2004) 542 U.S. ____ [124 S.Ct. 2531, 159 L.Ed.2d 403]. Neither party responded to this invitation, nor did appellant respond to this court's earlier invitation to submit additional briefing.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.